

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE THE APPLICATION OF PJSC NATIONAL
BANK TRUST

REQUEST FOR DISCOVERY PURSUANT
TO 28 U.S.C. § 1782

Civ. No. _____

21-mc-00867(PKC)

[PROPOSED] ORDER

This matter came before the Court on the “*Ex Parte* Application of PJSC National Bank Trust (‘NBT’) for an Order to take Discovery Pursuant to 28 U.S.C. § 1782” (the “Application”) in aid of actions pending in Cyprus. NBT seeks to issue subpoenas for documents to respondents J.P. Morgan Chase, N.A. (“JP Morgan”), Bank of New York Mellon (“BNY”) and Citibank N.A. (“Citi”) (collectively, “Respondents”), all of which NBT believes reside in this District. In addition to the Application, the Court has considered NBT’s memorandum of law in support of the Application, and the exhibits and declarations attached thereto.

This Court is authorized by 28 U.S.C. § 1782 to order a person or entity to give testimony or produce documents for use in a foreign or international tribunal if: (1) the person from whom discovery is sought resides or is found in the district of the district court to which application is made; (2) the discovery is for use in a proceeding before a foreign or international tribunal; and (3) the application is made by a foreign or international tribunal or an interested person. In determining whether to order such discovery the Court considers the following factors: (1) whether the person from whom discovery is sought is a participant in the foreign or international proceeding; (2) the receptivity of the international tribunal to receiving such evidence; (3) whether the application is an attempt to circumvent proof gathering restrictions; and (4) whether the

substantially in the form
submitted at Doc 1-2.

requested discovery is unduly intrusive or burdensome. *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241, 264-65 (2004).

The Court has determined that the foregoing factors have been satisfied for issuance of the Order requested. Accordingly, it is hereby Ordered that NBT's Application is granted, and that NBT may issue and serve subpoenas for the requested records on Respondents.

The Clerk shall administratively close the matter.

J. J. Whit, U.S.D.J.

New York, NY

Dated: December , 2021

January 5, 2022